

# **EXHIBIT 1**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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GOVERNMENT EMPLOYEES INSURANCE  
COMPANY, GEICO INDEMNITY COMPANY,  
GEICO GENERAL INSURANCE COMPANY and  
GEICO CASUALTY COMPANY,

Docket No.: 1:20-cv-05786-PKC-SJB

Plaintiffs,

-against-

BIG APPLE MED EQUIPMENT, INC., DAVID  
ABAYEV, ALEKSANDR MOSTOVOY, D.C.,  
SURESH PAULUS, D.O., ASHLEY KIAEI, D.C.,  
PETER MARGULIES, D.C., and JOHN DOE  
DEFENDANTS 1-10,

Defendants.

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**DECLARATION OF DANIELLE PERDOMO**

Danielle Perdomo, hereby declares the truth of the following pursuant to 28 U.S.C. § 1746:

1. I am employed by Government Employees Insurance Company, GEICO Indemnity Company, GEICO General Insurance Company, and GEICO Casualty Company (collectively, "GEICO") as a supervisor in GEICO's Special Investigative Unit ("SIU") and qualified as an investigator under 11 N.Y.C.R.R. 86.6(c).

2. I am responsible for conducting and overseeing investigations of healthcare providers that are suspected of being ineligible for reimbursement for one or more reasons, as well as those that are suspected of having engaged in fraudulent treatment and billing practices.

3. I have personal knowledge of the facts set forth in this declaration and would testify as to them in a Court of law if called upon to do so.

4. As part of GEICO's investigation into of Big Apple Med Equipment, Inc. ("Big Apple") and David Abayev ("Abayev", collectively the "Big Apple Defendants"), I conducted an

inspection of Big Apple's business address. The New York State Department of State lists the operating address of Big Apple as 16102 Union Turnpike, Fresh Meadows, New York ("the Union Tpke Location"). Also, the bills that Big Apple submitted to GEICO identified the Union Tpke Location as Big Apple's address.

5. On March 12, 2019, I conducted a physical inspection of the Union Tpke Location. When I arrived at the Union Tpke Location, I observed a storefront with a red awning containing with the name "Big Apple". I then knocked on the door and met Abayev who advised me that he was the owner of Big Apple. Abayev also informed me – among other things – that: (i) he was the only employee of Big Apple; (ii) he handles all aspects of operating the business from billing to deliveries of durable medical equipment and orthotic devices ("DME") to GEICO's Insureds; and (iii) Big Apple does not provide DME to the general public, and would not provide DME to a random customer who would just enter the store.

6. Based upon my review of the bills submitted to GEICO from Big Apple, I was able to determine that Big Apple first started purportedly providing DME to Insureds on or about January 6, 2019. GEICO first received a bill submitted to Big Apple on or around January 15, 2019.

7. Big Apple has stopped billing GEICO for DME purportedly provided to Insureds. My review of the bills submitted to GEICO from Big Apple show that the last date that Big Apple provided DME to a GEICO Insured was December 29, 2019. GEICO has not received any bills from Big Apple for DME purportedly provided to Insureds after December 29, 2019.

8. In order to confirm whether Big Apple was still operating and providing DME to GEICO's Insureds, I conducted another inspection of the Union Tpke Location on November 17, 2020. During this visit, I was able to confirm that Big Apple is no longer operating there.

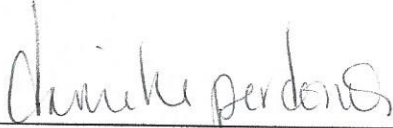
Specifically, the Big Apple awning that I observed during my prior visit was removed. Instead, the awning was replaced and contained the words "Fresh Meadows Opthomology".

9. I also attempted to determine whether Big Apple started operating out of any other location. However, I could not find a new operating address for Big Apple. Specifically, the New York State Department of State still associates Big Apple's with the Union Tpke Address. Furthermore, an internet search on Big Apple did not reveal a second or updated address for Big Apple.

10. In addition to my inspection of the Union Tpke Location, I conducted an asset search to determine whether Big Apple owned any personal or real property or had any other business ventures. The search revealed that Big Apple did not own any personal or real property.

11. The facts discussed in this declaration are not an exhaustive recitation of my investigation or GEICO's investigation into the Big Apple Defendants, and may be testify to at trial.

I declare the truth of the following subject to the penalties of perjury. Executed at East Northport, New York on February 17, 2021.

  
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Danielle Perdomo